



NOTICE OF DECISION
Development Services Department

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| Project Name: | AT&T WCF 1140 Oakcrest Park Drive |
| Request: | Substantial Conformance Determination with the Planning Commission Resolution No. PC-2011-22 (Case No. 11-069 MUPMOD/CDP). |
| Discretionary Action: | Substantial Conformance (SUBC) |
| CEQA Determination: | EXEMPT |
| DECISION: | APPROVED |
| Project Number: | SUBC-005755-2022 |
| DSD Number: | 2023-25 |
| Location: | 1140 Oakcrest Park Drive CL-A |
| Community: | Old Encinitas |
| APN: | 259-320-10 |
| Applicant: | Bechtel Infrastructure on behalf of AT&T |
| Representative: | Brett Coffelt |
| Project Planner: | J. Dichoso, AICP, Senior Planner jdichoso@encinitasca.gov |
| Decision Date: | May 3, 2023 |
| Report Approval: | <input checked="" type="checkbox"/> Katie Innes, Planning Manager |

This document is to certify that the applicant's proposed project and plans are in substantial conformance (SUBC) with Planning Commission Resolution No. PC-2011-22 (Case No. 11-069 MUPMOD/CDP) dated September 1, 2011.

BACKGROUND

The following previous permit actions have been completed on the project site:

- Planning Commission Resolution No. PC-2006-61 (Case No. 05-249 MUP/CDP) dated December 21, 2006 approved the installation of a wireless telecommunications facility,

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consisting of twelve façade mounted antennas, shielded within a radio frequency (RF) friendly rooftop enclosure at the City of Encinitas Community/ Senior Center facility. The project also included the installation of seven equipment cabinets on a new galvanized steel platform located on the most northern rooftop of the existing building. Building Permit No. 07-1499 dated July 15, 2008, authorized the construction of the wireless facility pursuant to the discretionary planning approval. This wireless facility is addressed as 1140 Oakcrest Park Drive CL-A.

- Planning Commission Resolution No. PC-2011-16 (Case No. 10-177 MUP/CDP) dated June 2, 2011, installed a wireless telecommunications facility for emergency operation center purposes within an existing rooftop enclosure (co-located with the 2006 AT&T wireless facility referenced above) at the City of Encinitas Community/Senior Center. Building Permit No. 11-587 dated June 22, 2011 authorized the construction of the wireless facility pursuant to the discretionary approval. This wireless facility is addressed as 1140 Oakcrest Park Drive CL-B.
- Planning Commission Resolution No. PC-2011-22 (Case No. 11-069 MUPMOD/CDP) dated September 1, 2011, replaced the twelve four-foot tall panel antennas with six, six-foot tall panel antennas, and six long-term evolution (LTE) antennas within the rooftop enclosure and removed, replaced, and added accessory equipment at the northeast portion of the existing wireless facility – all originally approved in 2006 at the Encinitas Community/Senior Center. Building Permit No. 11-1324 dated December 30, 2011, authorized the construction of the wireless facility modifications pursuant to the discretionary planning approval.
- Building Permit No. 15-1368 dated July 27, 2015, authorized the replacement of three six-foot tall panel antennas (one per sector) with new six-foot tall panel antenna, and removed, replaced, and installed accessory equipment in the rooftop enclosure as described above.

PROJECT SUMMARY/ANALYSIS

AT&T currently operates twelve panel antennas within a radio frequency (RF) friendly rooftop enclosure, and accessory equipment at the northeast portion of the building at the City of Encinitas Community/Senior Center facility. The full scope of work is listed on the project plans and listed below.

Tower Work (Rooftop Enclosure)

- Remove two antennas per sector. Total of six.
- Install three antennas per sector. Total of nine.
- Remove and replace one remote radio unit (RRU) per sector. Total of three.
- Remove two tower mount amplifiers (TMA) per sector. Total of six.

Equipment Area Work (Northeast Building Area)

- Remove one power plant.
- Remove two telecommunications radio base station (RBS) 2106 cabinets.
- Install one power plan with 13 rectifiers, six DC-up converters, three two-pole lugs, one mounting kit, and 12 battery modules.
- Install one batter rack with 12 battery modules.
- Install one Purcell cabinet with one HSN-8300NA.

FINDINGS

This determination is based on the following findings for Substantial Conformance with a Design Review Permit:

1. No project condition is changed or deleted;

The proposed modifications to the existing wireless telecommunications facility does not affect the conditions of approval of Planning Commission Resolution No. PC-2011-22 (Case No. 11-069 MUPMOD/CDP) dated September 1, 2011, which will remain in effect for this project.

2. No feature, facility, or amenity is deleted or substantially altered which had been considered essential to the project's quality, safety, or function by the decision making body;

No feature, facility or amenity is deleted or substantially altered, which is essential to the project's quality, safety, or function. The overall integrity, safety, and function of the wireless communications facility will remain the same with the antenna modification to AT&T's entire antenna array and associated accessory equipment replacement. The project scope has been reviewed by the Telecom Law Firm PC, (the City's Third-Party RF Engineer), it has been determined that the facility modifications fall within Section 6409 (a) of the Middle Class Tax Relief and Job Creation Act of 2012.

The wireless communications facility, with the proposed modifications, will operate in full compliance with the standards for Radio Frequency (RF) Emissions, as adopted by the Federal Communications Commission (FCC). The wireless telecommunications facility will adhere to the site compliance recommendations outlined in the RF report prepared by the applicant. Furthermore, Telecom Law Firm PC, has reviewed the analysis contained in the applicant's Radio Frequency Emission Study and concurred with the findings. The study includes information related to the facility's power, antenna height, and other elements, and has confirmed that all recommended radio frequency emissions mitigation measures are followed, and that the proposed changes at the existing telecommunications facility demonstrate planned compliance with the FCC Rules for the proposed site design.

All signage shall comply with the FCC OET Bulletin 65 or ANSI C95.2 for color, symbol and content conventions. Additionally, all signage shall provide a working local or toll-free telephone number to its network operations center, that reaches a live person who can exert transmitter power-down control over this site, as required by the FCC.

Based on the discussion above, the Development Services Department finds that there are no significant changes that warrant a modification to the original permit.

3. The area of any residential floor plan or any nonresidential building is not decreased or increased by more than five percent;

The nonresidential building floor plan is not decreased or increased by more than five percent.

4. No additional lots or dwelling units are added;

No additional lots or dwelling units are proposed to be added to the project.

5. No private or public open space is reduced in area or in its potential for use and enjoyment;

The proposed project is limited to the existing lease hold area located atop the building and the northeast portion of the building. No public or private open space will be impacted as a result of this project.

6. The shape and bulk of structures, exterior building materials, landscaping, parking and access are substantially in conformance with the spirit and intent of the Use Permit decision;

All new antennas are located in the same locations, maintain the same height, and are screened behind the RF-friendly enclosure as previously approved, whereby the spirit and intent of the original Major Use Permit/Modification and Coastal Development Permits are maintained. The number and height of the antennas and configuration are consistent with the regulations outlined in Section 6409(a) contained within the Middle Class Tax Relief and Job Creation Act of 2012.

7. The grading plan will not increase or decrease the final grade on any part of the site by more than three feet over or under the plan approved by the design review decision, unless the Director finds that: (a) the design is substantially altered by the grading change, (b) the design review approval specifically prohibits variation to the elevation of the pads, or (c) the change in pad elevation impacts surrounding views, and/or substantially increases the bulk and mass of a building; and

No grading is proposed within the scope of work.

8. No significant changes are made which, in the opinion of the Development Services Department should be reviewed by the body which approved the original application.

Based on the discussion above, the Development Services Department finds that there are no significant changes that would require submittal of a discretionary permit modification.

Environmental Status: The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), which exempts interior alterations such as plumbing and electrical conveyances, and investor and publicly-owned utilities used to provide electric power, natural gas, sewage or other public utility services. The modifications proposed to the existing wireless communication facility involves interior alterations and negligible or no expansion of the existing use. The proposed improvements do not result in any new impacts not previously reviewed by the prior approval, Planning Commission Resolution No. PC-2011-22 (Case No. 11-069 MUPMOD/CDP) dated September 1, 2011, which will remain in effect for this project.

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This determination shall be valid 15 calendar days from the date of this determination, during which time any aggrieved person may, upon payment of necessary fees, file an appeal. Additional permits, including Building Permits, may be required by the Building Department or other City Departments. It is the applicant's responsibility to obtain all necessary permits required for the type of project proposed. The applicant may proceed through the plan check process during the appeal period at his/her own risk; **plan check fees are non-refundable**. Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is taken on the appeal.

If you have any questions regarding this determination, please contact J. Dichoso, AICP, Senior Planner, at (760) 633-2681 or by email at jdichoso@encinitasca.gov; or contact the Development Services Department, 505 South Vulcan Avenue, Encinitas, CA 92024 at (760) 633-2710 or by email at planning@encinitasca.gov.

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Katie Innes
Planning Manager

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